

# EXHIBIT 35

## **Kalamazoo Public Schools Special Education Monitoring Closeout of Findings of Noncompliance**

**District:** Kalamazoo Public Schools (39010)  
**ISD:** Kalamazoo RESA (39)  
**Date of Report:** 10/26/2020  
**Responsible Party at ISD:** Victoria Wentela

**Priority:**

General Supervision Monitoring (GSM)

Pursuant to the *Individuals with Disabilities Education Act* (IDEA), §§ 300.600 and 300.149 (a)(1)(2), as part of state monitoring and enforcement, the Office of Special Education (OSE) must ensure the requirements of the IDEA are carried out and that each educational program for children with disabilities meets the State's educational standards. It must review policies, procedures, and practices related to the provision of a free appropriate education (FAPE) for students with individualized educational programs (IEPs).

**Selection Criteria:**

As part of investigating State complaints, a complaint with substantiated noncompliance is required to be corrected on both the student and the systemic levels. The OSE issued this finding of noncompliance as a response to fulfilling its GSM obligation regarding correcting the systemic noncompliance substantiated during the investigation of a State complaint.

**Policies, Procedures, and Practices:**

Based on evidence from the complaint investigation, it was determined that the policies, procedures, and practices that were used for the provision of a FAPE for students with an IEP were not compliant with the *Individuals with Disabilities Education Act* (IDEA) and/or the *Michigan Administrative Rules for Special Education* (MARSE).

**Verification of Correction:**

Following the district's request for closeout and verification of correction of findings, the Office of Special Education (OSE) conducted a verification activity. The verification and closeout of findings require a review by the OSE of evidence that the district completed all activities in the approved corrective action plan and is correctly implementing the specific regulatory requirements. Evidence of correction includes a review of current policies, procedures, and practices, student record reviews, and staff interviews.

## **Findings of Noncompliance and Evidence of Subsequent Correction:**

### **(1) Findings of Noncompliance**

Case Number: 19-0188

The district is not in compliance with the IDEA and/or the MARSE regarding child find including:

- Not suspecting the Student might be a student with a disability and in need of special education.

#### **Required Evidence of Correction**

The district must revise or develop procedures regarding child find, as needed, by 06/15/2020 to document and ensure that:

- The District fulfills its ongoing Child Find obligation to identify, locate and evaluate students who are suspected of having a disability and in need of special education services.

The district must provide professional development by 06/15/2020 for all relevant staff regarding the new procedures.

Evidence of change in the district's practices must be provided and verified by the OSE.

#### **Documentation of Correction of Noncompliance**

Child Find Procedures--in accepted progress report; I asked the district to update a section on page 3 of the policy. Updated copy uploaded into TA notes.

District Special Education Handbook--Small section in the district's special education handbook dedicated to Child Find--took a snapshot and uploaded to TA notes

Child Study Procedures--uploaded in TA notes

Agenda January 10, 2020--School Psychologists, Teacher Consultants, and Social Workers;

Interviews--(4) Rikki Saunders, Director; Janine VanStee, Special Education Coordinator; Kevin Seale, School Psychologist; Tamica Frison, School Administrator

### **(2) Findings of Noncompliance**

Case Number: 19-0188

The district is not in compliance with the IDEA and/or the MARSE regarding discipline including:

- Affording the Student the procedural safeguards contained in the IDEA's discipline provisions for students not determined eligible for special education.

#### **Required Evidence of Correction**

The district must revise or develop procedures regarding discipline, as needed, by 06/15/2020 to document and ensure that:

- The District affords students the procedural safeguards contained in the IDEA's discipline provisions for students not determined eligible for special education.

The district must provide professional development by 06/15/2020 for all relevant staff regarding the new procedures.

Evidence of change in the district's practices must be provided and verified by the OSE.

#### **Documentation of Correction of Noncompliance**

Discipline Procedures--in TA notes  
PPT/ agenda  
Interviews--4; same as above

**Final Disposition:**

The Kalamazoo Public Schools has corrected all areas of noncompliance. Evidence of correction in the targeted areas was verified by the OSE. The district's corrective action plan is closed out.